

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of  
seamless transfer of control and  
for name change on AAV  
Certificate No. 4822 from KMC  
Telecom III, Inc. to KMC Telecom  
III LLC.

DOCKET NO. 030431-TA  
ORDER NO. PSC-03-0681-PAA-TA  
ISSUED: June 6, 2003

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION ORDER  
APPROVING TRANSFER OF CONTROL AND NAME CHANGE ON  
ALTERNATIVE ACCESS VENDOR TELECOMMUNICATIONS SERVICE CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service  
Commission that the action discussed herein is preliminary in  
nature and will become final unless a person whose interests are  
substantially affected files a petition for a formal proceeding,  
pursuant to Rule 25-22.029, Florida Administrative Code.

On May 9, 2003, KMC Telecom III, Inc. filed with this  
Commission a request for transfer of control and name change on  
Alternative Access Vendor Telecommunications (AAV) Certificate No.  
4822 from KMC Telecom III, Inc. to KMC Telecom III LLC.

KMC Telecom III, Inc. has complied with Rule 25-24.730,  
Florida Administrative Code, regarding the transfer of AAV  
certificates. Since KMC Telecom III, Inc. is converting from a  
corporation to a limited liability company, the rule requirement  
that the person seeking to obtain a certificate file an application  
jointly with the certificate holder has been fulfilled. We find

DOCUMENT NUMBER-DATE

05032 JUN-6 8

FPSC-COMMISSION CLERK

ORDER NO. PSC-03-0681-PAA-TA  
DOCKET NO. 030431-TA  
PAGE 2

the transfer to be in the public interest and, therefore, approve the transfer. AAV Certificate No. 4822 shall be amended to reflect that KMC Telecom III LLC is the holder of this certificate.

If this Order becomes final and effective, it shall serve as KMC Telecom III LLC's certificate. KMC Telecom III LLC should, therefore, retain this Order as proof of certification and as evidence of the name change. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.345, Florida Statutes.

AAV providers are subject to Chapter 25-24, Florida Administrative Code, Part XIV, Rules Governing Alternative Access Vendor Services. AAV providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to KMC Telecom III LLC for payment by January 30th. Neither the transfer of the certificate nor the failure to receive a RAFs Return notice shall relieve KMC Telecom III, Inc. from its obligation to pay RAFs the year 2003.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for transfer of and name change on Alternative Access Vendor Telecommunications Service Certificate No. 4822 from KMC Telecom III, Inc. to KMC Telecom III LLC, is hereby approved. It is further

ORDERED that Alternative Access Vendor Telecommunications Service Certificate No. 4822 shall be amended to reflect that KMC Telecom III LLC, is the holder of this certificate. It is further

ORDERED that KMC Telecom III LLC's Alternative Access Telecommunications Service Certificate No. 4822 is subject to the terms and conditions set forth in the body of this Order. It is further

ORDER NO. PSC-03-0681-PAA-TA  
DOCKET NO. 030431-TA  
PAGE 3

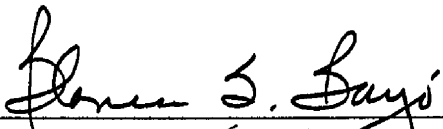
ORDERED that this Order shall serve as KMC Telecom III LLC's certificate and should be retained by KMC Telecom III LLC as proof of certification and as evidence of the name change. It is further

ORDERED that KMC Telecom III LLC shall remit Regulatory Assessment Fees for the year 2003. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 6th Day of June, 2003.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
And Administrative Services

( S E A L )

LHD

ORDER NO. PSC-03-0681--PAA-TA  
DOCKET NO. 030431-TA  
PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 27, 2003.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.